

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916) 322-3141



February 26, 1981

ALL-COUNTY LETTER NO. 81-20

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DISCONTINUANCE NOTICE TO TIME-EXPIRED REFUGEES

REFERENCE: ALL-COUNTY INFORMATION NOTICE I-54-80

This letter is being issued to instruct counties on procedures to be followed in determining continuing eligibility for recipients aided under the Refugee Resettlement Program (RRP) subcomponent Refugee Cash Assistance (RCA).

Background

The Refugee Act of 1980 (Public Law 96-212), enacted on March 17, 1980, replaced the existing nationality-identified refugee programs (with the exception of the necessary retention of the term "Cuban Program Phasedown (CPP)") with the Refugee Resettlement Program (RRP) and its subcomponent Refugee Cash Assistance (RCA).

Cuban refugees are specifically addressed in this letter because those Cubans who arrived in the United States on or after October 1, 1978, and who possess the proper documentation are eligible for conversion to the Refugee Resettlement Program for cash assistance, medical assistance, foster care payments and social services. Only those Cubans who arrived in the United States prior to October 1, 1978 and registered with the Cuban Refugee Emergency Center in Coral Gables, Florida, will continue to be assisted under the provisions of the Cuban Program Phasedown.

A major provision of the Refugee Act is the establishment of a three-year time limit for each refugee for refugee-funded cash assistance. This means that federal reimbursement of the normal nonfederal share of cash assistance, medical assistance and foster care payments (except for unaccompanied minors) will not be available after time-expiration. This feature of the Act will become effective April 1, 1981. The three-year time limit is based on the month and year of entry of the refugee into the United States. Unaccompanied minors, however, remain eligible for continued RCA until they reach the age of majority. Social Services are exempt from the three-year time limit provision.

### Action

In order to provide a suitable period of advance notice to refugees, counties must now identify all RRP cases for possible termination from RRP funded benefits. This is necessary to ensure that individuals who are receiving Refugee Cash Assistance (RCA) under the Refugee Resettlement Program (RRP), will not be assisted past the three-year time eligibility limit effective April 1, 1981. This will initially apply to only those individuals that were granted RCA and who entered the United States on or before April 30, 1978. These individuals will be discontinued from cash and cash based Medi-Cal effective March 31, 1981. The date of entry is to be based on information contained on INS Form I-94. If this form is not available, other pertinent INS documentation, such as INS Form I-151 or I-551, will be used to determine this date. In those cases where there is a conflict between Form I-94 and other pertinent INS forms, the date of entry specified on Form I-94 shall be used. Those individuals (except for unaccompanied minors) that have been in the United States for a period of more than 36 months beginning April 1, 1981, will become time-expired under the Act.

Counties shall issue a Notice of Action in accordance with MPP Section 22-022.1 to RCA cases in which some or all members become time-expired. A Notice of Action (Form NA 991) is currently being completed by DSS. This form will be provided in English and Spanish and will be transmitted directly to the counties in late February or early March, 1981. A Vietnamese language version, that may be copied at county level, will be transmitted under separate letter as soon as possible; however, this version will not be available from the state warehouse. DSS may be contacted if assistance is needed for other language translations.

Action taken on RCA cases may create distress for those refugees who are presently aided under the federal AFDC program, and who learn of this action. Information outlined in the "reason" section of Form NA 991 should help alleviate this situation.

Federal reimbursement of 100 percent of the normal nonfederal share of assistance costs will cease at the end of the 36th month. Refugees who were converted to the federal AFDC Program must also be identified to ensure proper fiscal claiming; however, issuance of a Notice of Action is not necessary. Those refugees will, if otherwise eligible, continue to be eligible for federal AFDC. DSS is currently working with the Federal Office of Refugee Resettlement to establish a process for determining funding procedures. Further information on claiming procedures will be released shortly.

The State Department of Social Services is currently developing an advance notification system where an RCA eligible refugee will be issued a Notice of Action at case approval which will contain information on the three-year eligibility limit. A reminder "stuffer" will also be sent to the refugee approximately two months before the effective date of time-expiration. These proposals, along with the special RCA discontinuance/decrease notice for time-expired cases, should assist in the administration of this program.

Cases identified as ineligible for RCA under RRP should be marked for possible eligibility for AFDC (federal or non-federal), Medi-Cal, Food Stamps or County General Assistance/General Relief. In some cases, one refugee in an RCA case may become time-expired, while the other refugees remain eligible for continued RCA assistance. In these cases, the time-expired individual must be removed from the RCA case through the issuance of the Notice of Action form specified above. A new application is not required in those cases where the individual applies for AFDC if a current Form CA 2 is on file, per MPP Section 40-121.35. An RCA payment is not considered an AFDC payment for purposes of the earned income exemption, thus the individual may not be granted this exemption unless he/she meets the provisions of MPP Section 44-207.222.

The State Department of Health Services advises that persons who are discontinued from RCA for any reason are not eligible for automatic four-month continuing Medi-Cal coverage. DHS will issue Medi-Cal instructions under separate letter.

As previously stated, the Cuban Program Phasedown will remain in effect for only those Cuban refugees who arrived in the United States and registered with the U.S. Cuban Refugee Center in Coral Gables, Florida prior to October 1, 1978. Thus, CPP cases are not subject to time-expiration and therefore not affected by these instructions.

The Office of Refugee Services, State Department of Social Services, is developing regulations to revise the existing IRAP regulations. Regulations will be issued as soon as possible. Until such time, please follow existing IRAP regulations (MPP Section 69-200), telegrams or All-County Letters as guidelines in administering the Refugee Resettlement Program.

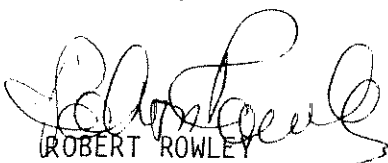
If you should have any questions regarding this letter or the Refugee Act of 1980, please contact:

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Telephone: (916) 322-3141

If you have any questions regarding Department of Health Services' instruction, contact your Medi-Cal Program Consultant.

Sincerely,

  
ROBERT ROWLEY  
Chief Deputy Director

cc: CWDA  
SDHS